

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
GREATER NEW YORK MUTUAL :
INSURANCE COMPANY, :
:
Plaintiff, : 22-CV-2052 (VSB)
:
-against- : **ORDER**
:
THE BURLINGTON INSURANCE :
COMPANY, et al., :
:
Defendants. :
:
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VERNON S. BRODERICK, United States District Judge:

Plaintiff Greater New York Insurance Company (“GNY”) filed this action against Defendants The Burlington Insurance Company (“Burlington”), Scottsdale Insurance Company (“Scottsdale”), and ABC Insurance Companies 1-10 on March 14, 2022. (Doc. 1.) On March 23, 2022, Defendant Burlington filed an answer and asserted a counterclaim against Plaintiff GNY and a cross-claim against Defendant Scottsdale. (Doc. 5.) The deadline for Defendant Scottsdale to respond was April 13, 2022. *See Fed. R. Civ. P. 12(a)(1)(B)* (“A party must serve an answer to a counterclaim or crossclaim within 21 days after being served with the pleading that states the counterclaim or crossclaim.”). Defendant Scottsdale appeared on April 1, 2022, (Docs. 6 & 7), but has not filed a response to either the complaint or the cross-claim. Plaintiff’s response to Defendant Burlington’s counterclaim was also due April 13, 2022, *see Fed. R. Civ. P. 12(a)(1)(B)*, but Plaintiff has not filed a response to the counterclaim.

Accordingly, if Plaintiff intends to seek a default judgment against Defendant Scottsdale, and if Defendant Burlington intends to seek a default judgment against Plaintiff and/or Defendant Scottsdale, they are directed to do so in accordance with Rule 4(H) of my Individual

Rules and Practices in Civil Cases by no later than May 2, 2022. If Plaintiff or Defendant Burlington fail to do so or otherwise demonstrate that they intend to prosecute their unanswered claims, I may dismiss those claims for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b).

SO ORDERED.

Dated: April 25, 2022
New York, New York



VERNON S. BRODERICK
United States District Judge